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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,177	11/26/2003	Evans Wetmore	977-005	5719
<div>7590 07/11/2008</div> <div>SOFFER &amp; HAROUN, L.L.P.</div> <div>Suite 910</div> <div>317 Madison Avenue</div> <div>New York, NY 10017</div>				
EXAMINER				
ZHONG, JUN FFI				
ART UNIT		PAPER NUMBER		
2623				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/723,177

**Applicant(s)**

WETMORE, EVANS

**Examiner**

JUN FEI ZHONG

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an Amendment filed 3/31/2008. Claims 1-22 are pending.

### ***Response to Arguments***

2. Applicant's arguments filed 3/31/2008 have been fully considered but they are not persuasive.

Applicant argues that Atad reference was published after the filing of Applicant's present application, and the provisional applications and notes that they are not the same as the Atad publication, and that Examiner has not cited to either of the provisional applications.

However, the examiner respectfully disagrees. Atad claims priority from U.S. Provisional Patent Application # 60/515,441, filed on Oct. 30, 2003 and # 60/501, 411 filed on Sep. 10, 2003 (see paragraph 0001). The Atad reference and the instant application are not commonly owned or with joint research agreement. Therefore, the Atad reference has earlier U.S. effective filing date, it is qualified prior art (see MPEP 706.02 ).

For the sake of clarity, the Atad reference is supported by Provisional Patent Application # 60/515,441 (hereafter '441), filed on Oct. 30, 2003.

As to claim 1, Atad discloses a system (Drawing 1, A) separate functionality in provisional application '441) for receiving computer communication network signals comprising:

a first antenna (e.g., WiMax antenna 18; Drawing 1, A)) configured to receive said communication network signals (e.g., WAN signals), and provide this signals to a cable (see Drawing 1, A) and Drawing 8, Wireless DBS-add-on antenna-interconnection (Front));

a satellite dish antenna (e.g., satellite dish antenna; Drawing 1, A)) configured to receive satellite signals, and provide this satellite signals to a second cable (see Drawing 8, Wireless DBS-add-on antenna-interconnection (Front));

a combining network (e.g., splitter/combiner close to dish antenna; Drawing 1, A) ) configured to receive said communication network signals and said satellite signals, said combining network configured to combine said signals and provide the combined signal to a third coaxial cable (e.g., coaxial cable);

a splitting network (e.g., splitter/combiner close to TV; Drawing 1, A)) configured to receive said combined signal via said third coaxial cable, said splitting network located within an enclosed building, said splitting network further configured to provide a first output signal corresponding to said computer communication network signals and a second output signal corresponding to said satellite signals (see Drawing 1, A) and Drawing 8).

Atad does not specifically disclose the first and second cables are coaxial cable.

It would have been obvious to one of ordinary skill in the art that using coaxial cables to connect the combiner and antennas would have provided the predictable results of effectively delivering signals without interference with outside signals.

As to claim 12 is rejected same reason as to claim 1 above.

Therefore, the Atad reference is fully supported by Provisional Patent Application # 60/515,441, filed on Oct. 30, 2003.

### ***Drawings***

3. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because figures 1-4 are not readable. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atad et al. (Pub # US 2005/0055720 A1).

As to claim 1, Atad discloses a system (Fig. 2) for receiving computer communication network signals comprising:

a first antenna (e.g., terrestrial antenna 18; Fig. 2) configured to receive said communication network signals (e.g., WAN signals), and provide this signals to a cable (see paragraph 0116; Fig. 2 and 11);

a satellite dish antenna (e.g., satellite dish antenna 10; Fig. 2) configured to receive satellite signals, and provide this satellite signals to a second cable (see paragraph 0118; Fig. 11);

a combining network (e.g., splitter/combiner 16) configured to receive said communication network signals and said satellite signals, said combining network configured to combine said signals and provide the combined signal to a third coaxial cable (e.g., coaxial cable 14) (see paragraph 0115, 0117);

a splitting network (e.g., splitter/combiner 30) configured to receive said combined signal via said third coaxial cable, said splitting network located within an enclosed building, said splitting network further configured to provide a first output signal corresponding to said computer communication network signals and a second output signal corresponding to said satellite signals (see paragraph 0118).

Atad does not specifically disclose the first and second cables are coaxial cable.

It would have been obvious to one of ordinary skill in the art that using coaxial cables to connect the combiner and antennas would have provided the predictable results of effectively delivering signals without interference with outside signals.

As to claim 12, it contains the limitations of claim 1 and is analyzed as previously discussed with respect to claim 1 above.

As to claim 2, Atad discloses the system in accordance with claim 1, wherein said computer communication network signal is a Wi-Fi signal and said first antenna is a Wi-Fi antenna (e.g., terrestrial antenna 18 could be a WiFi antenna) (see paragraph 0127-0128; Fig. 8).

As to claim 3, Atad disclose the system in accordance with claim 2, wherein said Wi-Fi antenna is connected to said satellite dish antenna (e.g., terrestrial antenna 18 mounted on satellite dish) (see paragraph 0128; Fig. 10).

As to claim 4, Atad discloses the system in accordance with claim 3, wherein said Wi-Fi antenna is connected to LNB portion of said satellite dish antenna (Official Notice is taken that position of the Wi-Fi antenna is matter of design choose. It would have been obvious to one of ordinary skill in the art that place the antenna on top of the LNB portion for clear line of site) (see paragraph 0128).

As to claim 5, Atad discloses the system in accordance with claim 3, wherein said Wi-Fi antenna is connected to the upper portion of said satellite dish antenna (see Fig. 11).

As to claim 6, Atad discloses the system in accordance with claim 2 further comprising a TV antenna (e.g., satellite dish could receive satellite TV signals) configured to provide a TV signal to said combining network, so that the output port of said combining network includes a combined signal defined by said Wi-Fi signal, said satellite signal and said TV signal (e.g., satellite TV signal) (see paragraph 0117-0118).

At to claim 7, Atad discloses the system in accordance with claim 2 wherein said combining network further comprises an adder (e.g., splitter/combiner 16) configured to receive said Wi-Fi signal and said satellite signal (see paragraph 0117; Fig. 8).

As to claim 8, Atad discloses the system in accordance with claim 7, wherein said combining network further comprises a repeater configured to receive said Wi-Fi signal and generate an amplified version of said Wi-Fi signal to said adder (see paragraph 0106, 0140, 0142).

As to claim 9, Atad discloses the system in accordance with claim 7, wherein said combining network further comprises a remodulator configured to receive said Wi-Fi signal so as demodulate said Wi-Fi signal and then modulate said demodulated



signal in accordance with a different modulation scheme than the scheme originally employed to modulate said Wi-Fi signal (e.g., combiner 16 modifies WiFi signals to frequency band 4 then transmit) (see paragraph 0124, 0127).

As to claim 10, Atad discloses the system in accordance with claim 2 further comprising a set-top box, wherein said splitting network is contained within said set-top box, said set-top box further comprising a first output port for providing said Wi-Fi signal (e.g., 802.11 interface 136) and a second output port for providing said satellite signal (see paragraph 0148-0149, 0152; Fig. 22).

As to claim 11, Atad discloses the system in accordance with claim 10 further comprising a Wi-Fi transmitter, configured to receive said Wi-Fi signal provided by said splitting network, so as to transmit said Wi-Fi signal via a Wi-Fi antenna within said enclosed building (e.g., 802.11 interface 136 for transmit/receive WiFi signals) (see paragraph 0148-0149, 0152; Fig. 22 and 16B).

As to claims 13-22, they contain the limitations of claims 2-11 and are analyzed as previously discussed with respect to claims 2-11 above.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

MacDonald et al. (Patent # US 5835128) is cited to teach data wireless redistribution of TV signals.

### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jun Fei Zhong whose telephone number is 571-270-1708. The examiner can normally be reached on Mon-Fri, 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JFZ  
7/3/2008

/Vivek Srivastava/

Supervisory Patent Examiner, Art Unit 2623